

G-011/M-95-794

ORDER ALLOWING WITHDRAWAL OF PETITION WITHOUT PREJUDICE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Petition by Peoples Natural Gas Company, a Division of UtiliCorp United, Inc., for Recovery of Lost Margins and Shareholder Incentives

ISSUE DATE: November 8, 1995

DOCKET NO. G-011/M-95-794

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PROCEDURAL HISTORY

On August 1, 1995, Peoples Natural Gas Company, a Division of UtiliCorp United, Inc., (Peoples or the Company) filed a petition seeking recovery of its lost margins and shareholder incentives.

On September 29, 1995, the Minnesota Department of Public Service (the Department) filed its comments. The Department recommended that the Commission reject the Company's petition without prejudice.

On October 2, 1995, the Residential Utilities and Small Business Division of the Office of the Attorney General (RUD-OAG) filed its comments. The RUD-OAG recommended that the Commission modify Peoples' application before approving it.

On October 10, 1995, Peoples made a filing in which it indicated its desire to withdraw its petition.

On November 2, 1995, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. Peoples' Arguments in Support of Withdrawal

In support of its request to withdraw its petition, Peoples noted that the RUD-OAG had objected to a portion of its petition and the Department had recommended that the petition be denied without prejudice. Peoples stated that while it disputed the criticisms of its petition, it believed that the nature of the criticisms could make it difficult to resolve the matter without a contested case proceeding.

The Company cited several advantages for withdrawing the petition rather than proceeding with it:

- In its refiled petition, it could eliminate the errors contained in the initial

filing and avoid some of the confusion caused by the errors contained in that filing.

- The Company could address the policy issues raised by the Department and the RUD-OAG about the initial filing, more quickly framing the issues and thereby facilitating response by the parties in the short period available for reply.
- Following the withdrawal, the Company indicated that it would meet with the Department to better understand the Department's concerns, leading to possible acceptance of some of the Department's suggestions, thereby allowing the parties to focus on the most important policy issues.

B. Commission Action

The Commission is persuaded that withdrawal of Peoples' petition at this point is in the public interest and will allow it. The issues involve the recovery of past lost margins and entitlements to shareholder incentives based on its past conservation improvement plan (CIP) activities. As a consequence, the delay caused by refiling will not harm any party. Finally, this action may in fact facilitate speedier resolution of the policy issues raised by the filing.

ORDER

1. Peoples Natural Gas Company, a Division of UtiliCorp United, Inc., is hereby allowed to withdraw without prejudice the petition it filed on August 1, 1995 seeking recovery of its lost margins and shareholder incentives.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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